

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH WOLCOTT,

Defendant.

Case No. 2:08-cr-00013
Chief Judge Haynes

EMOSH
This motion is
DENIED pursuant
prejudice to denial
upon the effective
date of Amendment
782.
Will [signature]
12/8/14
8-12-14

MOTION TO MODIFY SENTENCE
PURSUANT TO 18 U.S.C. §3582(c)

Comes now Joseph Wolcott, petitioner in the above-styled action, by and through undersigned counsel, and files this Motion to Reduce his sentence by two levels pursuant to 18 U.S.C. §3582(c), due to a retroactive two-point reduction announced by the United States Sentencing Commission Friday, July 18, 2014.

JURISDICTION

The district court had jurisdiction over this motion pursuant to 18 U.S.C. §3582(c).

BACKGROUND

Joseph Wolcott currently has pending before this Court a petition for writ of habeas corpus, pursuant to 28 U.S.C. §2255, styled as *Joseph Wolcott vs. United States of America*, Case No. 2:13-cv-0062. This petition constitutes a separate ground for relief, based on the recent announcement from the United States Sentencing Commission.

This Court calculated Wolcott's sentencing range under the United States Sentencing Guidelines (U.S.S.G.) as 262-327 months of imprisonment (Offense Level 38, Criminal History II). This range included a 240-month mandatory minimum sentence for the drug charge based